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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,824	07/09/2003	Baltes Gass	Q76374	8136
7590	06/27/2005		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			HONG, JOHN C	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,824	GASS, BALTES	
	<b>Examiner</b>	<b>Art Unit</b>	
	John C. Hong	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/7/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
  
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “3” has been used to designate both holding device and traveling box or trolley (page 16); reference character “4” has been used to designate both busbar and roller rail (page 17); reference character “11” has been used to designate both conductors and busbar (page 16); reference character “9” has been used to designate both distance measuring system and position determining bus (page 16). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 22-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claims 1 and 21, line 1, "SYS" is not clear. What does the SYS stand for?

(B) Claims 22-27, line 1, should "claim 20" be -- claim 21--?

(C) Claims 28 and 29, line 1, should "Tool unit" -- Machining system --?

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpkin et al. (U.S. Patent 5207309) in view of Leddet (U.S. Patent 4453303).

Simpkin et al. teach machining system for the machining of workpieces, in particular of workpieces located on a production line comprising: a large number of tool units, each with an electrically controllable machining tool and a holding unit; a sliding support mechanism (13) in which the holding units are held in sequence, whereby the holding units (14) are held in the sliding support mechanism in such a way that they can slide; and a large number of control units (17) for setting an individual machining tool (16) to a set of predefined

machining parameters in order to execute a predefined machining process; characterized in that each tool unit includes a position determining unit (26), which determines the position of the individual tool unit along the sliding support mechanism (Figs 1-4; col. 2, line 55-col.3, line 21).

Simpkin et al. fail to teach the control unit sets the individual machining tool to a particular set of machining parameters according to the position of the tool unit determined by the position determining unit.

Leddet teaches the control unit sets the individual machining tool (53) to a particular set of machining parameters according to the position of the tool unit determined by the position determining unit (Figs 1-3; col. 2, line 21-col.5, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the control unit sets the individual machining tool (53) to a particular set of machining parameters according to the position of the tool unit determined by the position determining unit, as taught by Leddet on the system of Simpkin et al. so as to automatically execute machining work on the workpieces.

Regarding Claim 21, Simpkin et al. teach a tool unit in a machining system for the machining of workpieces, in particular of workpieces located on a production line, comprising: an electrically controllable machining tool; and a holding unit to be held in a sliding support mechanism in the machining system; characterized in that; each tool unit includes a position determining unit, which determines the position of the individual tool unit along the sliding support mechanism.

Simpkin et al. fail to teach a control unit is provided for setting the machining tool to a set of predefined machining parameters in order to execute a predefined machining process and

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the control unit sets the individual machining tool to a particular set of machining parameters according to the position of the tool unit determined by the position determining unit (Figs 1-4; col. 2, line 55-col.3, line 21).

Leddet teaches a control unit is provided for setting the machining tool to a set of predefined machining parameters in order to execute a predefined machining process and the control unit sets the individual machining tool to a particular set of machining parameters according to the position of the tool unit determined by the position determining unit (Figs 1-3; col. 2, line 21-col.5, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a control unit is provided for setting the machining tool to a set of predefined machining parameters in order to execute a predefined machining process and the control unit sets the individual machining tool to a particular set of machining parameters according to the position of the tool unit determined by the position determining unit, as taught by Leddet on the control unit of Simpkin et al. so as to automatically execute machining work on the workpieces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong  
Primary Examiner  
Art Unit 3726

jh  
June 23, 2005